

STATE OF INDIANA)
)
COUNTY OF MARION)
)
In Re Local Criminal Rules)

MARION CIRCUIT AND SUPERIOR
COURTS

Order Proposing Local Criminal Rules Amendments, Finding Good Cause to Deviate from the Schedule for Amending Local Court Rules, and Requesting Comments

The Judges of the Marion County Courts, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of local rules and propose that the following local administrative rule amendments be adopted in compliance with the provisions of Trial Rule 81. Accordingly, the Court issues the following proposed amendments to the Administrative Local Rules and asks for comment from the bar and the public. Underlining indicates proposed additions and striking through indicates deletions.

Comments to these proposed Local Rules will be received through Noon on October 6, 2008 with an effective date of October 7, 2008. Comments to these proposed Local Rules should be e-mailed to the Office of the Court Administrator, c/o Glenn Lawrence, at Glawrenc@indygov.org, or mailed to:

Glenn Lawrence
Office of the Court Administrator
Marion County Circuit and Superior Courts
200 East Washington St., Ste. T-1221
Indianapolis, IN 46204.

All of the above is so ORDERED this 8th day of September, 2008.

/s/ Gerald S. Zore*
Judge Gerald S. Zore
Presiding Judge

* Original signature on file with the Court.

LR49-CR2.3 101 Case Consolidation

(f) Other Considerations

In the event that a case involves both felony and misdemeanor offenses, pursuant to Administrative Rule 1, the case shall be considered a Felony case for the application of this rule.

It shall be the responsibility of the Prosecutor's Office Screening Department to provide a listing of all pending cases with the case filing documents to ensure that all case transfers can be made consistent with this rule.

The judge of each room of the criminal division, by appropriate order entered of record may transfer and re-assign to any other room of the criminal division any cause pending in that room subject to acceptance by the receiving court. Further the Presiding Judge of the Criminal Division or the Executive Committee may order the transfer of cases from one court to another if the Presiding Judge or the Executive Committee finds that a transfer and reassignment of cases is necessary to provide for the speedy and fair administration of justice.

All cases received by the criminal division on change of venue from outside Marion County shall be assigned to a room within the division on a random basis by the same method used to assign cases of original jurisdiction in Marion County.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be re-filed in the court where the case was originally docketed.

All pleadings, petitions and motions shall be filed with the Clerk designated by the court at any time during filing hours established by the Clerk and the court and shall be accompanied by a proposed order. All orders submitted to the court shall be in sufficient number and shall be accompanied by postage paid envelopes addressed to each party or counsel of record. Service of orders on the Marion County Prosecutor and the Marion County Public Defender Agency may be through mailbox service established in each courtroom.

(g) Petition for Restricted Driving Permit and other petitions filed pursuant to I.C. 9-24-15-4 (a) (1), (2), or (3)

Any petition filed pursuant to the above may, at the discretion of the Judge of the court in which the petition was filed, be transferred as soon as possible to the Marion Circuit Court.